

STATEMENT OF STATUTORY AUTHORITY, BASIS AND PURPOSE

COLORADO DEPARTMENT OF PERSONNEL AND ADMINISTRATION OFFICE OF ADMINISTRATIVE COURTS

PROCEDURAL RULES FOR WORKERS' COMPENSATION HEARINGS

STATUTORY AUTHORITY

The Executive Director of the Department of Personnel and Administration has the authority to adopt the 2005 amendments to the Rules of Procedure of the Office of Administrative Courts pursuant to Sections 24-50.3-104 (3)(a) and (3)(g), C.R.S. (2004).

BASIS AND PURPOSE

Change of Name

The Rules of Procedure are amended, in part, to reflect the change from the Division of Administrative Hearings to the Office of Administrative Courts, pursuant to the 2005 amendment to Section 24-30-1001(1), C.R.S. (Senate Bill 185).

Rules in Workers' Compensation Cases

The Office of Administrative Courts and the Division of Workers' Compensation have concurrent jurisdiction over Workers' Compensation hearings. Section 8-43-201, C.R.S. Prior to 2005, the Director of the Division of Workers' Compensation had promulgated procedural rules to govern hearings at the Office of Administrative Courts. The Executive Director of the Department of Personnel and Administration also has the authority to adopt procedural rules to govern hearings at the Office of Administrative Courts (Sections 24-50.3-104 (3)(a) and (3)(g), C.R.S. (2004)). The Director of the Division of Workers' Compensation will now repeal the existing rules, and the Executive Director of the Department of Personnel and Administration will simultaneously adopt procedural rules for Workers' Compensation adjudications at the Office of Administrative Courts.

Because the existing Workers' Compensation procedural rules are being repealed, the new rules have been completely rewritten. These rules govern procedures to be followed at the Office of Administrative Courts in Workers' Compensation adjudications from the filing of an Application for Hearing through the issuance of an order and the completion of any subsequent proceedings at the Office of Administrative Courts. In many respects, the rules now being adopted by the Executive Director of the Department of Personnel and Administration track the prior Division of Workers' Compensation rules. Changes in the rules are designed to streamline processes at the Office of Administrative Courts, make certain operational practices explicit in the rules, and to encourage greater communication between parties prior to hearing.